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ABSTRACT

In 1995, the Texas legislature established a policy that each school district must have an "alternative educational setting for behavioral management." This policy brief examines the ways in which this idea has been implemented in Texas, using data from the Texas Education Agency. Findings show that, for the most part, these alternative educational programs are being used as dumping grounds for "undesirable" students who, once there, get little support. Minority students are overrepresented in removals to these programs, and there has been an increase in reports from schools that have classified students' race and ethnicity as "unknown." Anecdotal reports of some exceptional programs exist, but there are no conclusive studies on the effectiveness of such programs for students forced to participate. Recommendations from the Intercultural Research Development Association are that the decision to refer a student to such a program be made in conjunction with the student's parents, with all options clearly explained. Better information should be gathered about the effectiveness of existing programs, and the alternative programs should be held to the same standards as other Texas schools. In addition, school districts should not be allowed to operate programs that combine students from elementary, middle, and high school levels. (Contains 20 references.) (SLD)

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Disciplinary Alternative Education Programs in Texas –

What is Known; What is Needed

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A Policy Brief

Intercultural Development Research Association
Marcia "Cuca" Roberto Montes, Ph.D.
Executive Director

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USD 33134

Contents

Context 1
Recommendations 3
Findings at a Glance 4
Findings Examined 7
- Origins and Intent of the Texas Policy 7
- Research Basis of the Texas Policy 7
- DAEP Implementation in Texas 9
  - How many students were removed from their campuses? 9
  - Why were students removed? 9
  - Which students were removed? 10
  - How long were students removed? 11
  - How many districts removed students? 12
- Student Outcomes 12
- Accountability 13

Texas: A Look Back 16
The National Picture 18
A Closer Look 20
Research Questions Used 23
Research Methods Used 24
Resources 25
Acknowledgments 27

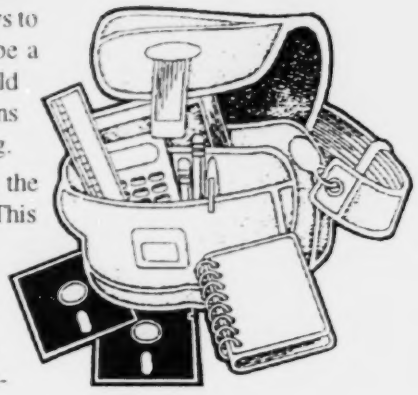
Foreword

This publication is part of a series of policy briefs developed by the Intercultural Development Research Association on four key issues in education. The series is designed to inform community and policy decisions during the Texas legislative session and beyond. Topics in the series are:

- ✔ Disciplinary alternative education programs (this publication)
- ✔ Dropout and attrition rates in Texas public high schools
- ✔ In-grade retention
- ✔ Use of public money for private schooling

The series and associated data are available on-line at www.idra.org.

Context



Societies have always had to struggle with finding the best ways to deal with crime and violence. In this struggle there appears to be a dichotomy of strategies: to separate or to support. One strategy would separate the "guilty" from the "innocent" either through institutions like prisons or through social and cultural practices like shunning.

On the other end of the spectrum, people focus on changing the environment that they believe leads to the undesired behavior. This may involve macro changes within education systems, family support and economic development or micro changes to provide treatment, health care and personal support systems.

The effectiveness of these strategies varies tremendously. Success or failure is largely influenced by the details of how any strategy is carried out.

The same debate is going on today in the United States. In fact, both types of strategies are being used, depending on the situation. Even though it could be argued that schools exist as a support mechanism, they do not operate in a vacuum. The violence of our society spills into classrooms.

Policy makers in state capitals have tried to create ways for schools to deal with violence and criminal behavior. One of the newer methods has been to separate offending students by placing them temporarily in alternative settings where they are supposed to receive personalized support.

The most critical concern is that we actually know very little about these new alternative programs.

The Texas legislature established such a policy in 1995. Each school district now must have an "alternative educational setting for behavioral management." Students can be removed from their school and sent to the alternative program if they:

- Engage in conduct punishable as a felony.
- Commit a series of specified serious offenses while on school property or attending a school-sponsored activity.
- Commit other violations specified in student "codes of conduct" developed by individual school districts.

A picture of success would show students who have committed such offenses receiving the appropriate personal attention they need while they are learning in school. We would see qualified, dedicated adults providing that support to students. We would see formerly disruptive students now learning and achieving in school.

For the most part, alternative educational programs are being used as dumping grounds for "undesirable" students who, once there, get little or no support.

We would probably even see a reduction in violence in public schools that could be attributed to this strategy. We would definitely see schools and alternative programs that are accountable for results.

This policy brief by the Intercultural Development Research Association (IDRA) examines the details of how this idea has been carried out in Texas. From the little information that is available, however, we see a very different picture emerging. The most critical concern is

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that we actually know very little about these new alternative programs. The pendulum has swung. For the most part, alternative educational programs are being used as dumping grounds for "undesirable" students who, once there, get little support.

IDRA's analysis of data from the Texas Education Agency shows that:

- Minority students are overrepresented in removals to these alternative programs.
- The primary reason for the removals involves violations of school districts' codes of conduct instead of the major offenses in the Texas criminal code, the primary justification for creating alternative programs.

We can find the best way to deal with violence and crime in our schools, and we can have excellence and equity in education for all children.

The danger we must avoid is that, in isolating "problem" students rather than improving the climate of regular schools, we may be giving up too easily on the promise of equal educational opportunity for all.

The solution does not lie at either end of the dilemma; it lies somewhere in between. As a nation and in the state of Texas, we can have both. We can find the best way to deal with violence and crime in our schools, and we *can* have excellence and equity in education for all children.

We can and we must.

"The assumption is that something is wrong with these students — something that conventional schools should not be expected to cope with."

— North Carolina Education and Law Project, "Alternative Schools: Short-Term Solutions with Long-Term Consequences" (1996, pg. 1)

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Recommendations

Based on the research presented in this policy brief, the Intercultural Development Research Association (IDRA) recommends the following.

- The decision to refer a student to a disciplinary alternative education program (DAEP) should be made in conjunction with the pupil's parents, with all options available to them clearly delineated before the school imposes a referral.
- The Texas Education Agency (TEA) should expand the data collected on DAEPs to include more information on referring teachers and schools; information on DAEP staffs and curriculum; follow-up data on students' academic and disciplinary status; and race and ethnicity of referred students.
- Local districts should have the option of operating DAEPs that do not isolate referred students from other students, particularly those referred for less serious offenses.
- TEA should review districts operating DAEPs for numbers of referrals, with on-site state agency reviews triggered when minimal threshold referral levels are exceeded.
- School districts and TEA should compile academic achievement and disciplinary referral data on all DAEP students at least annually, with reports submitted to the local school board and community.
- TEA should hold DAEPs to the same accountability standards applicable to all public schools in Texas.
- DAEPs should structure their activities to be consistent with research on effective DAEPs.
- Disciplinary action options available to schools should be different for elementary, middle and high school students. Districts should be prohibited from operating DAEPs involving classrooms with students from different school levels (elementary, middle and high school).
- TEA should expand local and state dropout reporting data to include summary reports on dropout statistics for students referred to DAEPs.

"Placing a student in an alternative education setting must never become a placement into educational Siberia. There must be a more intense effort at education achievement to moderate and change a student's behavior."

— Harold V. Dutton, Jr., Texas House Representative, District 142

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Findings at a Glance

Origins and Intent of the Texas Policy

- Teacher organizations developed the concept of disciplinary alternative education programs (DAEPs). Teachers wanted the right to remove any pupil they felt was "disruptive" or interfering with their attempt to deliver instruction in the classroom.
- The policy establishing such programs was promoted as a safety issue for teachers and compliant students.

Research Basis of the Texas Policy

Policy makers did not examine comprehensive research studies of effective alternative programs before designing DAEPs.

- Policy makers did not examine comprehensive research studies of effective alternative programs before designing DAEPs.
- Some limited data on characteristics of successful DAEPs are emerging. But there is little evidence comparing such programs to practices less severe or less disruptive than removing students from their home campuses.
- Anecdotal reports on exceptional programs exist, but there are no conclusive studies on the effectiveness of such programs for students forced to participate.

Implementation

Almost 73,000 students were removed from their classrooms

- The number of students subjected to removal to a DAEP grew from 70,958 in 1995-96 to 72,997 in 1996-97, a net increase of 2,039 (3 percent).
- The number of removals decreased from 99,381 in 1995-96 to 98,233 in 1996-97, a decline of 1,148 (1 percent) (fewer students were removed more than once in a school year).

Only one-fourth of the students sent to DAEPs were sent for serious offenses

Almost three-fourths of all DAEP removals were for violations of local school codes of conduct rather than for major offenses specified in the state law.

- Almost three-fourths of all DAEP removals were for violations of local school codes of conduct rather than for major offenses specified in the state law. School officials used the Texas DAEP policy to remove students for reasons other than those emphasized during state policy consideration. District discretion accounted for 73.8 percent of all student referrals to DAEPs in Texas (73,302 out of 99,381) in 1995-96 and 70.3 percent (69,125 of 98,223) in 1996-97.

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The majority of students sent to DAEPs were minority students

- The majority of students referred to Texas DAEPs were minority students, with Hispanic students referred at levels above the percentage that they constitute of the statewide student population.
- In 1995-96, Hispanic students accounted for 43.6 percent; African American students for 22.2 percent; White students for 31.2 percent; and other students for 1.1 percent of all DAEP referrals.
- In 1996-97, minority students again were represented disproportionately, with Hispanic students comprising 39.1 percent of all removals; African American students 22.2 percent; White students 27.7 percent; and other students 1.1 percent.

There was a dramatic increase in reports by schools that referred students' race or ethnicity was "unknown."

There was a dramatic increase in reports by schools that referred students' race or ethnicity was "unknown"

- The number of DAEP students whose racial or ethnic origins were classified as "unknown" increased from 1,230 (1.8 percent) in 1995-96 to 7,235 (9.9 percent) in 1996-97.
- The growth in the number of "unknown" students resulted in a questionable reduction in the percentages of Hispanic students and White students removed to DAEPs, while the African American percentages held constant.

Low-income students and students in special education were more likely to be sent to DAEPs

- For the first time, the Texas Education Agency (TEA) report showed percentages of DAEP removals by income in 1996-97. Low-income pupils comprised 54.6 percent of all removals, a percentage that exceeds the group's proportion of the state's overall enrollment (48.1 percent).
- Twenty-one percent of DAEP removals involved special education pupils, about three times their proportion of the state enrollment.
- TEA's summary data show that 58.9 percent of DAEP referrals involved students considered "at risk." Ironically, since referral to DAEPs is now a basis for reclassifying pupils as "at risk," that number will no doubt increase in subsequent years' reports.

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At least 841 of 1,044 school districts removed students to DAEPs

- TEA surveyed 1,044 districts in 1995-96. Of those, 841 reported DAEP referrals, 184 reported zero referrals, and 19 did not respond. A 1996-97 survey of 1,059 districts showed that 764 reported referrals. Data were not available on how many districts did not respond to the 1996-97 survey, so the referral number may actually be higher.

Student Outcomes

- Unfortunately, many programs collect little data on effectiveness compared to student achievement or discipline. Too often, DAEP successes are reported through collections of anecdotes, with little or no "hard data" collected, tabulated or analyzed.
- TEA and local school districts collected only minimal data: numbers of students referred, limited information on student characteristics (e.g., age, ethnicity) and reasons for removal from regular campuses.

The accountability system established for DAEPs in Texas differs from accountability procedures established for regular schools and school districts.

Accountability

- Critical DAEP referral information is neither required nor collected. No data are available on:
  - Which teachers are referring students, and
  - Campuses from which students are referred.

  TEA staff members reported major difficulties in making those determinations even if they were to link the report data to the more comprehensive individual student Public Education Information Management System (PEIMS).
- The accountability system established for DAEPs in Texas differs from accountability procedures established for regular schools and school districts.

"Alternative schools become a dumping ground for 'problem' students, and regular schools give up their commitment to educate all children."

— North Carolina Education and Law Project, "Alternative Schools: Short-Term Solutions with Long-Term Consequences" (1996, pg. 8)

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Findings Examined

Origins and Intent of the Texas Policy

Little data exists on why Texas established student disciplinary programs. Reviews of archival information and conversations with legislators indicate that the impetus for creating such programs originated with teacher organizations. Those groups seemed to have concerns about eroding teacher prerogatives, including the right to remove any pupil teachers felt was "disruptive" or interfering with their teaching.

Witnesses told legislators about the impact of violent and other serious offenders on school and classroom operations. Promoted as a safety issue for teachers and compliant students, proposals for alternative education centers gained rapid acceptance from a broad range of lawmakers.

> *"The origin and the intent of the legislation were twofold: first, to require removal of students from the regular classroom who committed certain offenses, and second, to provide teachers with the necessary tools to restore discipline and order to the classroom by allowing them to remove disruptive students."*
>
> — Teel Bivins, Texas State Senator, District 31

The Texas legislature first adopted laws requiring the creation of disciplinary alternative education programs (DAEPs) in 1995. In 1997, the legislature revised the program to require creation of DAEPs at places other than the student's home campus (somewhere off site).

Many supporters expected that DAEPs would affect only a handful of serious offenders. But the program has quickly grown to involve more than 70,000 pupils and nearly 100,000 referrals each year. A minority of youths are referred for serious offenses that require their removal to an off-campus disciplinary action facility.

A special publication by Northwest Regional Education Laboratory quotes a Public Agenda report of a survey of the nation's educators: "88 percent of teachers nationwide believe academic achievement would improve substantially if persistent troublemakers were simply removed from class" (1998, pg. 5).

Research Basis of the Texas Policy

Opinion polls suggest that many teachers were long ready to support simple removal of students they deemed as disruptive. Others supported alternative education out of a belief that schools were unwilling and ill-equipped to adequately address the needs of students in at-risk situations.

A publication distributed by the Northwest Regional Educational Laboratory, *Alternative Schools: Caring for Kids on the Edge*, chronicles the inability of conventional schools to adequately serve

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IDRA is concerned that these programs will become warehouses where students who are having academic or disciplinary difficulty are exiled; subjected to unequal, substandard educational opportunities and eventually forced out of school.

these students (1998). The article notes:

> At least a quarter of the students who entered the nation's high schools as freshmen in 1994 never got the chance, four years later, to don a cap and gown. Before they could march across the stage to receive their diplomas, they either dropped out, or were pushed out, of public schools ill equipped to cope with such wrenching problems as family dysfunction, domestic violence, poverty and homelessness (pp. 4-5).

The story says that "a growing body of research and years of anecdotal data show that students labeled as troublemakers or dropouts in traditional schools can thrive in smaller, more individualized settings."

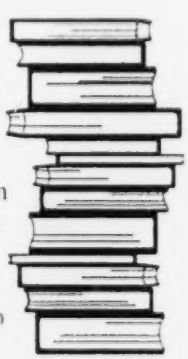
Thus it appears that at least some of the support for DAEPs stemmed from small-scale efforts to provide alternative learning environments to students experiencing academic (and eventually disciplinary) problems in a regular school. A handful of pupils' advocates saw the creation of DAEPs as an avenue for creating new learning environments. What was the research basis for the evolution of the concept?

The creators of alternative education efforts did not base their work on comprehensive studies of effective programs. Instead, they focused on the fact that too many schools were failing to effectively educate students who did not fit into the mold of "typical" White middle-class pupils.

Assessing the dismal track record before them, student advocates proposed that some other educational program, particularly in a nonconventional setting, could be no worse and had greater promise than the continuing enrollment of such students in unchanging, conventional school environments.

In its study of effective alternative settings, the North Carolina Education and Law Project outlined critical factors required for successful alternative education program placements (1997):

- Significant student and parent participation in making the DAEP decision, accompanied by voluntary referrals.
- Small staff-to-student ratios, with accompanying staff specialization.
- Creation of caring environments where pupils feel valued, supported and acknowledged.
- Clear communication of rules and uniformly high expectations relating to conduct and academic achievement.



We are beginning to find out what makes a DAEP successful. But we lack data comparing such programs to practices less severe or less disruptive than removing students from their home campuses. Reports on exceptional programs continue to emerge from the field. But there are as yet no studies on the effectiveness of the programs for students forced to take part.

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Despite the absence of such data, DAEPs continue to proliferate, largely because of demands from educators who feel threatened by the many changes that currently characterize public education. IDRA is concerned that these programs will become warehouses where students who are having academic or disciplinary difficulty are exiled; subjected to unequal, substandard educational opportunities and eventually forced out of school.

DAEP Implementation in Texas

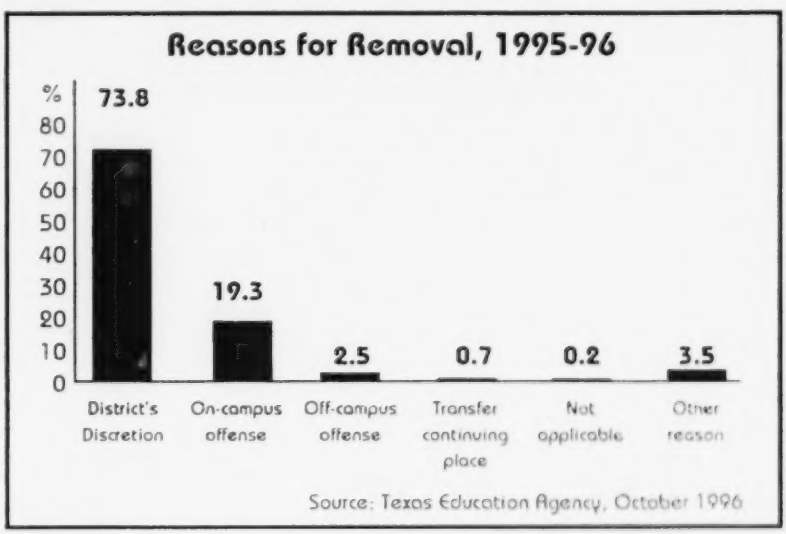
How many students were removed from their campuses?

Texas Education Agency (TEA) data show that 70,958 pupils were referred to DAEP campuses in 1995-96, and 72,997 were referred in 1996-97. This is a net increase of 3 percent (TEA, July 1998).

Why were students removed?

Three fourths of all students end up in DAEPs for violating local school codes of conduct rather than for major legal offenses. Only about one in five students is referred because of offenses requiring automatic removal.

When educators originally presented the DAEP concept for legislative consideration, many policy makers assumed the proposed programs would involve youths who pose a serious threat to the safety of other students or school personnel.



Some DAEP backers may have supported the removal of seriously disruptive students as well. But few imagined the large numbers of removals that have become the norm in many Texas schools. Program backers might have built greater constraints into the law if they had known pupils would spend weeks in DAEPs because they challenged local school conduct codes.

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Which students were removed?

Most referrals to DAEP programs in Texas involved minority students. The box below shows the percentages of overall public school enrollment in 1995-96 and 1996-97 compared to students sent to DAEPs.

These statistics show that Hispanic and African American pupils are removed to DAEP programs at significantly higher rates than their White counterparts. The data also show that minority referral rates exceed the groups' proportions of the overall state enrollment.

Ethnic & Racial Representation in DAEPs

	1995-96		1996-97	
	percent of state enrollment	percent students referred	percent of state enrollment	percent students referred
African American	14	22.2	14	22.2
Hispanic	37	43.6	37	39.1
Other	3	1.1	3	1.1
Unknown	0	1.8	0	9.9
White	46	31.2	46	27.7

Source: Texas Education Agency, July 1998, Winter 1998 and Winter 1997

There were no data on ethnic backgrounds of teachers and administrators making referrals or on how student referrals within a district compared to the composition of a school or district as a whole. Given the possibility of civil rights violations relating to minority over-representation in disciplinary actions, the state should seek this additional information.

Most pupils referred to DAEPs were enrolled in major urban districts, followed by major suburban and central city systems. See the box below for TEA student information on 1995-96 enrollments.

The figures show that major urban schools and central city systems appear to be overusing DAEPs, while major suburban schools use them at significantly lower rates.

What accounts for the variation? Is the availability of facilities a factor in whether school systems opt in or out of DAEP referrals? The 1995-96 DAEP summary by TEA notes that 184 school districts, primarily small-town or rural school systems, reported having no DAEP sites. We need more comprehensive research in this area to understand better the evolution of these programs.

Referrals by Type of District, 1995-96

	% of state enrollment	% of students referred
Central city	13.3	16.9
Major suburban	28.6	22.5
Major urban	20.7	28.0
Other suburban	9.1	6.5
Small town, rural, independent town	28.4	26.1

Source: Texas Education Agency, Winter 1997 and October 1996

TEA did not ask for information on grade levels of students referred to DAEPs. It is possible to acquire age statistics during September enrollment, but age frequently does not equate with grade.

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How long were students removed?

The average number of days students were assigned to and attended DAEPs varied with the seriousness of the violation, ranging from the more serious on- and off-campus assaults and drug-related offenses to less serious violations of codes of conduct. These codes cover such "disruptive" behavior as speaking in class or talking back to teachers.

Referral times varied from an average of 16 days for local code violations to more than 45 days for off-campus felony offenses. Transfers to other institutions and removal for "other reasons" resulted in removal for more than 30 days.

DAEP Average Attendance Rates, 1995-96

Reason for Referral	Referral length	Days present	Percent present
Code violations	16.8	12.5	74.4
Off-campus felonies	45.8	31.3	68.3

Source: Texas Education Agency, October 1996

These data mask the number of pupils referred more than once, who may have accumulated more referral days than the summary shows. Educators treat each referral as an individual record and do not normally compile cumulative data on individual pupils. Some students could be spending more than half the year in these DAEP settings.

Students actually attended DAEP classes for fewer than the days assigned. TEA data do not reveal whether schools tended to reduce the actual time students had to report to DAEP sites or whether DAEP-referred students missed more days of school than is the norm at sending campuses.

"There is little reliable information on why students are being sent to alternative schools or which groups of students are being affected."

— North Carolina Education and Law Project, "Alternative Schools: Short-Term Solutions with Long-Term Consequences" (1996, pg. 5)

High absenteeism would not seem surprising, since students exiled to DAEPs are cut off from their peers on the home campus, and many may encounter environments not as familiar or as socially comfortable as their own home campuses. Confronted with strange and, for many, "less friendly" surroundings, students could well decide to miss more school days. If school officials anticipated such reluctance to attend, the data suggest that DAEP sites have been less than successful at creating or maintaining high levels of student engagement.

The data also clearly show that the longer the assignment to DAEPs, the higher the rate of absenteeism. The table above gives an example. In both cases, the attendance levels are far below the norm of more than 90 percent common on most mainstream campuses.

The data suggest that DAEP sites do not successfully keep students coming to school. This leads to questions about how this absenteeism affects their learning and successful return to their own schools. Again, more data must be collected and analyzed.

IDRA found no major differences in the average length of DAEP referrals for students of differing ethnic groups. In fact, White students, though referred proportionally less often than minority students, tended to receive more days than their Hispanic and African Ameri

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"The law states that every student in an alternative learning center (ALC) is required to receive a comparable education to that of regular schools. But after hearing the complaints of parents who had children in one of the ALC schools in my district, I found otherwise... I visited the [ALC] school, and the school still had no textbooks [and] there was a lack of adequate materials for the teachers... Clearly, and not through the fault of the teachers, this was a clear-cut picture of 'warehousing.' It is very irresponsible to allow such a situation to exist and totally disregards the best interest of the children."

— Dora Olivo, Texas State Representative, District 27

can counterparts. Native American students, however, had the highest number of days referred and attended. That should be cause for concern among schools serving this population.

A greater concern is that overall, students were referred for an average of 20 days. Can these students successfully rejoin their regular classes?

In an unexpected finding, the data revealed that absentee rates did not differ among the various ethnic groups. Students referred to DAEP may therefore share some characteristics, regardless of ethnic background, that affect their school attendance rates. Again, more data on DAEP pupils and schools would be of help in this area.

How many districts removed students?

TEA surveyed 1,044 districts in 1995-96. Of those, 841 districts reported DAEP referrals, and an additional 184 reported but had no referrals. In 1996-97 the agency surveyed 1,059 districts, and 764 districts reported. TEA had no data on the numbers of 1996-97 district survey respondents who reported no referrals (TEA, July 1998).

Student Outcomes

As noted earlier, educators and other advocates of DAEPs expect that students who participate will experience greater academic success and/or develop enhanced self discipline that helps them successfully integrate into the regular classroom or campus.

Unfortunately, many programs collect little data on effectiveness as it relates to academic programs or discipline. Too often, DAEP successes are reported through anecdotes, with little or no "hard data."

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Accountability

Local and state governments neither require nor collect critical information on DAEP referrals. A review of TEA's reporting forms reveals a serious lack of data on DAEP referrals at the classroom, school and district levels. The table below shows what information is lacking. As a result of this absence of data, we know very little about the hundreds of DAEP sites now in operation throughout Texas.

What are the characteristics of faculty working at these centers? No one knows. What credentials do DAEP staff members possess? Even these data are not requested or summarized.

These DAEPs serve more than 90,000 pupils a year and cost millions of state taxpayer dollars. But we know very little of what they do, much less how (or how well) they do it. Other than a skeleton of a report, little qualitative and student outcome data exist. With such a lack of oversight, is it any wonder that student advocates cringe at the possible abuses that may be occurring unheeded at these schools?

Data that are collected:

- ✔ Name
- ✔ ID number
- ✔ Date of birth
- ✔ District type
- ✔ Reason for referral
- ✔ Length of referral

Data that should be collected:

- ✔ Which teacher removed the student
- ✔ Whether this is a first offense or a repeat referral
- ✔ How the student fared academically at the DAEP site
- ✔ How the student performed when he or she returned to the sending campus
- ✔ Credentials of DAEP staff members
- ✔ Information on DAEP faculty characteristics

A key question regarding DAEPs is the process used to hold them accountable for student performance outcomes. IDRA's review of accountability information revealed that TEA has created and oversees an alternative accountability process for Texas' DAEPs that differs significantly from the accountability standards established for other Texas schools.

DAEPs are subjected to very limited performance criteria instead of the uniform standards in the state Academic Excellence Indicator System (AEIS). TEA created the alternative accountability system "in response to the request for an alternative accountability system from alternative educators across the state" (TEA, April 1996, pg. 1). Alternative campuses could select from the standard or the alternative evaluation. Most DAEP campuses have opted for the alternative process. TEA revised the system one year later in response to input from alternative educators (TEA, December 1997).

DAEPs are subjected to very limited performance criteria instead of the uniform standards in the state Academic Excellence Indicator System (AEIS).

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These DAEPs serve more than 90,000 pupils a year and cost millions of state taxpayer dollars. But we know very little of what they do, much less how (or how well) they do it.

Commenting on the differences between the two accountability systems, TEA's *Alternative Accountability System Manual* notes the following about the alternative evaluation process (TEA, April 1996, pg. 3).

Comparability	The process does not lend itself to comparison with the regular AEIS because of... the small number of students served on each campus and the "unique" characteristics of students and programs.
Indicators progress	Assessment of progress is based on a menu of TEA approved indicators that are "applicable" to the purposes of the alternative campus and the characteristics of the student population(s) served.
Time lines	The process is based on current- vs. prior-year data.
Self reporting	The process is based on district self determined ratings, which are then reported to TEA.
Applicability	Alternative accountability systems may only be used on campuses serving pupils referred for 18 weeks or longer. For campuses serving students assigned for less than 18 weeks, data on the TAAS and dropout rates are attributed to the sending campus.

A key criterion for evaluating DAEPs relates to measures of "adequate academic progress." School districts may satisfy these requirements by reporting data on the Texas Assessment of Academic Skills (TAAS), General Education Development (GED), course credit completion or achievement on an alternative standardized test.

In addition to DAEPs, juvenile justice alternative education programs and campuses for expelled youth, other campuses that may use the alternative accountability system include:

- In-school GED campuses.
- Programs for pregnant students or students who are parents.
- Other "nontraditional" programs operated by or used by school districts.
- Open enrollment charter schools.

Students included in these alternative programs are not exempt from

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TAAS testing.

Only two rating categories are included in the alternative accountability system: *Acceptable* or *Needing Peer Review*.

DAEP campuses must establish measurable performance objectives that are approved by their local board of trustees. In its alternative accountability manual, TEA has included examples such as:

- "At least 25 percent of all students enrolled 18 weeks or longer will pass each subject area of the TAAS taken during the school year."
- "Of those students enrolled at least 18 weeks in the GED program... at least 75 percent will pass at least 50 percent of the GED test sections taken" (TEA, April 1996, pg. 22).

The table below shows how TEA measures the effectiveness of DAEP programs. School districts may supplement the state list of approved indicators. But TEA does not consider local indicators in rating alternative accountability campuses.

Local districts have the responsibility for evaluating and rating campuses that use the alternative accountability system. Districts must use at least two indicators, one of which must be from the list of primary indicators. Districts submit ratings annually to TEA, which can audit the reports. Sanctions for inaccurate rating include rescinding the alternative accountability rating and assessment based on a standard accountability rating. After reviewing related data from its Public Education Information Management System (PEIMS), TEA makes final rating determinations. TEA outlined minimum acceptable performance levels for academic indicators in its 1997 revision.

What may districts use to measure DAEP effectiveness?

Primary indicators:

- ✔ TAAS results
- ✔ Number of courses passed
- ✔ Percent of students passing GED
- ✔ Percent of GED sections passed
- ✔ Number of students not retained

Secondary indicators:

- ✔ Attendance
- ✔ Dropout rates
- ✔ Students graduating
- ✔ Number of students returning to home campuses and passing all courses
- ✔ Number of students returning to home campuses without re-referral to DAEP
- ✔ Dropout recovery rate
- ✔ Pre- and post-test scores on standardized tests
- ✔ Follow-up after leaving DAEP campus: employed, enrolled in post-secondary education, military, homemaker by choice

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Texas: A Look Back

The Texas Legislature in 1995 adopted a new state policy, the *Texas Safe Schools Act*, requiring each school system to create a disciplinary alternative education program (DAEP), including "alternative educational settings for behavioral management." These programs were to address teachers' concerns about the need for options that would allow them to remove from their classes students engaged in serious misbehavior.

What began as a discussion on how to deal effectively with serious student offenders quickly expanded to a much broader initiative to increase educators' prerogatives to remove any disruptive student.

At first glance, it appears that alternative educational settings are a reasonable alternative (particularly if the only other option is expulsion). For the small number of seriously disruptive pupils, removal to an alternative educational setting is no doubt appropriate.

But such programs may also provide easy opportunities for schools to "exile" students they may have given up on. Other concerns are the potential overuse of DAEP referrals and the possible disproportionate use of this punitive measure on certain groups of students. Educators and community advocates should carefully monitor DAEPs now operating in most communities in Texas.

Disciplinary Alternative Education Program Policy

Such programs may also provide easy opportunities for schools to "exile" students they may have given up on.

The state policy specifies that students may be removed to DAEPs if they:

- Commit a felony.
- Commit a series of specified serious offenses on school property.
- Commit such offenses during a school-sponsored or school-related activity on or off school property.
- Commit other violations specified in codes of conduct developed by local school districts.

The policy also allows teachers to remove from a class any student perceived as "so unruly, disruptive or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn."

The Texas Education Agency (TEA) encourages local school districts either to house these programs at a separate campus or to create separate instructional settings where referred students can be separated from others on the same campus.

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TEA and state law require DAEPs to:

- Be in a setting other than the student's regular classroom (the site may be on or off a regular campus).
- Separate referred students from other students.
- Focus the curriculum on English language arts, mathematics, science, history and self-discipline.
- Provide for students' educational and behavioral needs.
- Provide for student supervision and counseling in the DAEP setting (TEA, 1998).

More details on state policy and related State Board of Education rules and regulations governing DAEP operations are available at the IDRA web site, www.idra.org. The site also provides sample forms reflecting school district referral documents and related procedures.

"[When I visited my son's school, I found] the school had a lack of qualified teachers, a lack of textbooks and broken-down computers that were not usable. I felt guilty because I asked myself, 'Why didn't I listen to my son?' Now because of the problems I saw with the alternative learning center, I want to continue working to make sure we hold our schools accountable."

— Parent in Texas

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The National Picture

Review of DAEP programs across the United States

Is Texas the only state implementing disciplinary alternative education programs (DAEPs)? If not, how does Texas' program compare to those in other states? How are Texas DAEP programs like or unlike others? These and related questions led the IDRA staff to review data compiled by the Education Commission of the States (ECS), a national educational policy organization, which profiled DAEP policies throughout the country.

The ECS web site-based data revealed that most state DAEPs are relatively new creations. Seven state statutes were adopted in 1993 or 1994, and another 25 became law in 1995 or 1996. Thirteen states, including New York and Massachusetts, do not authorize creation or operation of DAEPs (ECS, 1998).

IDRA's analysis of the ECS data notes that of the 40 states authorizing creation of DAEP programs:

- 29 provide for local district option to establish them.
- Two provide local option for minor offenses and mandate DAEPs for serious offenders.
- Nine mandate the establishment of DAEPs by local school districts.

Among the states providing for voluntary or mandated programs, 15 (and five of the nine mandated programs) are specifically targeted for students who have committed serious offenses (drugs, assault or weapons violations) or students who have dropped out of school.

Only three states (including Texas) require that DAEPs physically separate referred students from other students. Colorado provided for creation of four pilot programs (two residential and two nonresidential) to study this alternative approach.

The great majority of DAEPs have the mission of educating students expelled from school. A few require parents to participate in program development. A very few actually require parental approval before a student can be assigned to an alternative program.

"One reservation about providing services to expelled students has been the cost. However, data show it is less costly to address the problem behavior and its underlying causes as quickly as possible than to wait until the student becomes involved with the criminal justice or welfare systems later in life."

— National Center for Education Statistics, "Creating Safe and Drug-Free Schools: An Action Guide," U.S. Department of Education (September 1996).

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In May 1997, the North Carolina Education and Law Project released the second edition of its report, *Alternative Schools: Short-Term Solution with Long-Term Consequences,* summarizing findings from a comprehensive study of alternative education programs in that state (1997). The report concluded that DAEPs should serve only as a last resort for providing education to troubled youth. In their analysis of North Carolina DAEP operations, the researchers found the following.

- The number of alternative schools increased from 131 in 1995 to 215 by 1997, a 64 percent increase.
- There is little reliable information on why students are sent to DAEPs; the little information available indicates that most are referred not for violence, drugs or weapons offenses, but for locally defined "disruptive behavior."
- Minority youth tend to be over-represented and disproportionately referred to DAEPs. African American students account for 54 percent of DAEP placements, though they constitute only 33 percent of the North Carolina student population.
- School personnel often did not follow due-process protections during referral and placement of pupils to DAEPs.
- School staff did not give parents adequate opportunity to participate in the DAEP referral process.

The report also lists a number of unintended consequences:

- Regular schools reduce their efforts to address discipline and behavioral problems.
- DAEPs tend to become dumping grounds for "problem students."
- A disproportionate number of minority students are referred, resulting in a trend toward re-segregation of local schools.
- Students become more likely to drop out.
- School districts use resources on DAEPs that could go toward other ways of dealing with discipline problems.

In reviewing the limited literature on effective DAEP programs, the authors of the North Carolina report found that the more effective programs do the following:

- Provide for student and parental choice through voluntary enrollment in DAEPs.
- Provide for smaller class sizes.
- Include voluntary assignment of highly trained, well-paid teaching and support staff, with extensive flexibility.
- Are housed in or near a regular school facility.
- Have a well-defined mission, clear discipline systems, high expectations, a sense of community ownership, close coordination with the sending schools and a clearly defined goal to reintegrate students into the regular program.

"The absence of statewide minimum standards [in North Carolina] for alternative schools raises concern about fair and uniform treatment of students across the state."

— North Carolina Education and Law Project, "Alternative Schools: Short-Term Solutions with Long-Term Consequences" (1996, pg. 4)

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A Closer Look

Impressions from a Visit to a DAEP

To "get beyond the numbers," IDRA staff arranged to visit a disciplinary alternative education program (DAEP) in Texas. We do not propose that the program visited is representative of all programs. But the on-site visit illustrated what is possible; what can happen in such operations.

After some hesitation by DAEP campus leaders, IDRA researchers received permission to visit a fully operating program that served as a central receiving site for referrals from all campuses in a large urban district. Our hosts were frank and open in discussing both the DAEP and the relationship between their campus and the referring schools.

"Policy makers need to consider whether these schools really offer the best hope for reducing discipline problems and keeping at-risk students in school."

— North Carolina Education and Law Project, "Alternative Schools: Short-Term Solutions with Long-Term Consequences" (1996, pg. 3)

To help guide our discussions, the IDRA team compiled a set of questions that included such issues as:

- Processes used to refer pupils to the alternative campus.
- Characteristics of the DAEP staff.
- Curricular offerings available.

Here is a summary of the impressions the IDRA team left with.

As we drove by a beautiful, modern middle school, some of us assumed that the alternative campus was in a separate wing or was perhaps in a small building adjacent to the main facility. But the alternative center was a mile down the road, in an old school dating back to the 1940s or 1950s. Several portable buildings shared the campus.

As we toured the facility, we were struck by the age of the main building (originally the district's special education program site) and the evident overreliance on the portables. The administrator noted that he was fortunate to get the building because the rapidly growing district needed every classroom it could get. The staff apparently made do with what was available, but the IDRA team noted that the campus library collection seemed to be mostly older books, and there seemed to be a minimum of new technology available to students and staff.

The facility was somewhat crowded because administrative and support offices shared the space with classrooms. Security was very visible in the halls and near the entrance. In contrast to the bustle and electricity evident on a regular campus, an overwhelming quiet in halls and classrooms met the IDRA team.

The staff greeted us cordially and answered our questions cooperatively. Counselors and administrators explained that the school currently housed about 200 pupils referred from more than 20 middle and high schools. Student population ranged from 40 to several hundred per quarter in grades nine through 12, with higher numbers in the middle of the school year. While acknowledging that some students were referred more than once, no one had a good idea of the percentage of multiple referral cases.

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"I have a daughter who was placed at an alternative learning center... I wanted to see what she was learning so I visited the school. I asked the teacher to show me my daughter's school work. The teacher had nothing to show me. I requested a progress report from the teacher. It never came. There has not been a certified teacher at the alternative learning center since the beginning of the school year. This is wrong. This is unacceptable. This has got to change. Now that my daughter is back at the regular school, she is struggling to catch up with the other students."

— Parent in Texas

Classes in English, math, science, social studies and "discipline" clustered students from several grades. Most teachers were certified in the subjects they were teaching (most likely an exception compared to most DAEP campuses).

The principal reported more than 25 percent staff turnover. The faculty was a mix of entry-level teachers and a few committed educators he had persuaded to transfer with promises of smaller classes and greater flexibility.

As a whole, staff members were not particularly specialized or expert in dealing with exceptional or troubled students.

Lengthy discussions with the staff suggested that they were caring and committed individuals who were doing the best they could to help pupils many others had written off. But as a whole, staff members were not particularly specialized or expert in dealing with exceptional or troubled students. They were not implementing any innovative strategies designed to address at-risk pupils' needs.

Administrators suggested that some students were "happier" because they were more "successful" at the alternative campus than at the regular school. But the IDRA team left with the impression that this was the exception rather than the rule. Currently, the state does not require schools to track, much less report, DAEP students' academic progress when they return to their own schools.

Currently, the state does not require schools to track, much less report, DAEP students' academic progress when they return to their own schools.

As students filed by at the end of the day, most looked anything but happy. Many were quiet, a few sullen. There was little evidence of the free spiritedness so commonly seen at dismissal on middle or high school campuses. The mood was more somber, stemming in part from the school's emphasis on suppressing expression and enforcing "zero tolerance" for any behavior defined as "inappropriate."

The administrator stressed that the school served to show students that any misbehavior was unacceptable. Troublesome youths were reminded that further violations of DAEP codes would lead to immediate consequences ranging from reprimands to expulsion to the criminal justice education center. Talking in class was not tolerated, and communication among the students was limited to class participation.

Communication between referring campuses and the alternative school was limited, especially among teachers. No system was in place to advise the center on the academic or disciplinary status of students after they left the DAEP.

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The administrator noted that sending schools were learning "how to use" these alternative education centers to get rid of troublesome students for extended periods.

Students referred to the DAEP were officially withdrawn from the sending school during the referral. School policy prohibited the youths from setting foot on their home campuses during the referral period. Students who violated that rule could receive additional punishment, ranging from extended time at the alternative center to expulsion or referral to juvenile justice-based alternative centers.

The policy on DAEP students' vehicles also reinforced the separation and restricted privileges. Students as a rule could not bring their own cars to school. When a vehicle was permitted, it was subject to unannounced searches by school staff.

IDRA team members asked the DAEP staff what that campus did that the regular school could not do. The staff said that alternative centers provided an environment where students could get more focused attention.

The staff pointed out that the alternative campus served as a place for other schools to send students they did not wish to deal with. The administrator noted that sending schools were learning "how to use" these alternative education centers to get rid of troublesome students for extended periods. This suggests that local campus administrators "banked" offenses until there were enough to justify a more extended referral. No publicly accessible data were available on teachers or administrators who referred students to DAEP placements.

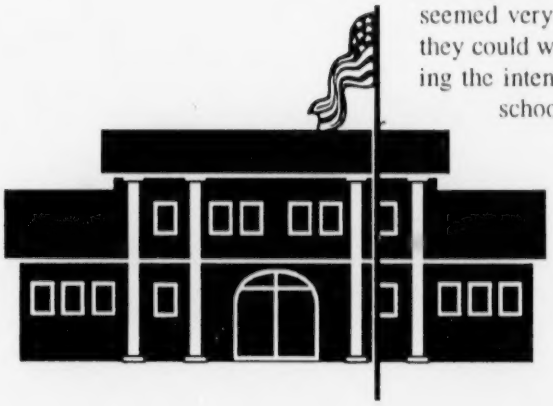
"My question to you is: Where does the 'learning' fit into the title of the alternative learning center?"

— Parent in Texas

The team left with the impression that the campus was designed to be functional but minimally attractive to students referred there. The message was clearly one of restraint and control, with academics seemingly secondary to the notion of teaching students about discipline and the consequences of challenging school rules.

It was certainly not a place where anyone would voluntarily send their children or, frankly, any child. We all left wondering why such off-campus placements are really needed, and what these alternative centers do that cannot be handled for the great majority of students on the regular campus.

As we drove by the newer "regular" middle school – with its mix of joyful students and more relaxed environments – the contrasts were striking. While acknowledging that the alternative center staff seemed very committed to helping students and doing the best they could with a difficult situation, we could not help questioning the intent of the administrators and teachers at the sending schools. We wondered out loud how they would react as parents if their own children were exiled to the desolate, discipline-obsessed islands called disciplinary alternative education centers.



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Research Questions Used

A Need for Assessing DAEP Implementation

Two years after the creation of disciplinary alternative educational programs (DAEPs) in Texas, little information had been made available about the effects of these programs on students or schools. Given this lack of information, it is vital that educators and communities ask some key questions. They include:

- How many such programs have been created? Have any schools or districts chosen to forego them or found such programs unnecessary?
- What common characteristics are shared by districts or schools that have no DAEPs in operation?
- In districts with DAEPs, how many students are enrolled in the program, and what is their demographic profile?
- How and by whom are students referred to these alternative settings?
- For how long are students referred, and what processes are used to reintegrate them into the "regular" program?
- What role do students' parents play in local referrals, and can parents question or appeal the action before it is implemented?
- What course offerings are available at these alternative settings, and what textbooks and materials are used?
- What staff members are assigned to DAEPs, including breakouts by sex, race and ethnicity, average salaries, average years of experience, and degrees held. Are staff members teaching inside or outside of their areas of certification?
- What accountability mechanisms are in place in DAEP settings, and how do they compare with those used for the "regular" program?

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Research Methods Used

To address the major questions posed, the IDRA staff:

- Reviewed research related to disciplinary alternative education programs (DAEPs) in Texas and other states.
- Requested, tabulated and analyzed data related to DAEPs collected from individual school districts by the Texas Education Agency (TEA).
- Conducted a site visit at a DAEP campus.

Of greater concern was the total absence of data on evaluation of DAEP operations.

Data analysis procedures included tabulations of descriptive statistics (means, medians and distributions) for all major variables and cross-tabulations. IDRA analyses also included document reviews. TEA compiled a report of results from the 1996-97 survey of the state's DAEPs. IDRA analyzed these data and conducted comparative analyses with the 1995-96 DAEP summary results.

Data-related Issues

There was no information on student performance, the number of students referred for more than one term or the impact of DAEP placements after students returned to the sending campuses.

During the initial stages of data collection, it became apparent that TEA had limited data on DAEPs beyond a few student demographic variables and reasons for student referrals. TEA had not asked for:

- Staff characteristics at DAEP sites.
- Information on the curriculum.
- Support services provided.
- Amounts expended on DAEP programs.

Of greater concern was the total absence of data on evaluation of DAEP operations. There was no information on student performance, the number of students referred for more than one term or the impact of DAEP placements after students returned to the sending campuses.

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Disciplinary Alternative Education Programs in Texas – What is Known; What is Needed
by Albert Cortez, Ph.D., and María Robledo Montecel, Ph.D.

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First Edition

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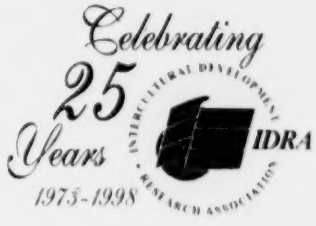

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